

**NITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**LIDIYA PASHOLIKOVA**

Plaintiff –Pro Se

**Vs.**

**TOWN OF REVERE, MASS.**

**REVERE POLICE,**

**BOARD OF HEALTH,**

**REVERE HOUSING AUTHORITY,**

**DHCD, MASS.**

**CIVIL ACTION NO.**

**07 CA 10925 JLT**

MAGISTRATE JUDGE 

**COMPLAINT and DEMAND FOR JURY TRIAL**

**Jurisdiction and Venue**

1. The Federal District Court has jurisdiction over this case pursuant to 28 U.S. Code s. 1331 and 1343.
2. This Court has pendant jurisdiction over related state claims under 28 U.S.C. s.1367 for violations of Plaintiff's rights under article XIV of the Massachusetts Declaration of Rights, as well as Massachusetts General Laws (M.G.L.) 12 s.11I.
3. Venue in the District of Massachusetts is proper under 28 U.S.C. s. 1391(b).  
  
During all times mentioned in this Complaint, Plaintiff was and is a citizen of the United States who resides within the District of Massachusetts. At all times mentioned herein, the Defendants were employed within the District of Massachusetts, town of Revere and city of Boston.

## **INTRODUCTION**

This is an action brought by the Plaintiff against:

Revere Police Department and four individual police officers,

Board of Health: the director and the code inspector,

RHA (Revere Housing Authority) and the individual employees of the RHA,

DHCD (Department of Housing and Community Development),

MAYOR of Revere

for actions taken violating the constitutional and civil rights of the Plaintiff arising under Federal Law. The action includes certain rights of the Plaintiff arising under State Law. The action seeks relief, and damages.

### **Parties**

#### **4. LIDIYA PASHOLIKOVA , plaintiff -Pro Se**

50 Walnut Av. #209, RevereMA02151

#### **Defendants:**

**Revere Housing Authority:** 70 Cooledge Street Revere, MA 02151

**5. ANNETTE MINICHELLO**, an employee of RHA

**6. ANDREW J. PROCOPIO**, former executive director of RHA  
Fenley Street, Revere, MA 02151

**7.VIRGINIA NORRIS**, former manager of Carl Hyman Towers

48 Francis Street, MA 02151

**Police Department:** 23 Pleasant Street, Revere, MA02151

**8. PTL. C. MCCORMACK #124**

**9. LT. BORGIOLI #107**

**10. OFF. HARTIGAN**

**11. SGT. LANGONE**

**12. TERENCE REARDON**, the Chief of police department.

**Board of Health: 249R Broadway, Revere, MA 02151**

**13. NICHOLAS R. CATINAZZO**, public health director and director of municipal inspections.

**14. JOHN L. FERRARA**, code inspector

**City of Revere:** 249 Broadway, Revere, MA 02151

**15. THOMAS G. AMBROSINO**, the Mayor of Revere

**Department of Housing & Community Development:**

100 Cambridge Street, Suite 300 Boston, MA 02114

**16. MELANIE LOVELAND HALE**

**Factual Allegations**

17. **1993.** Carl Hyman Towers (106 apartments, 11 floors) was dedicated for old American Jewish. My husband Vladimir Gefman and I, Lidiya Pasholikova, were first immigrants here and we were from Russia, the country people don't like, and I was Russian.
18. **Smoking.** Three negative features I noticed in the building: no smoking policy, any ventilation, and manager Diana DiPietro was a smoker.
19. "Lidiya, people complain you open window,"  
"Lidiya, you have no right to make notices to people,"  
"L., you have no right to put any paper on the walls in the building."  
"Lidiya, don't open window in the hall."
20. I asked manager, **Diana DiPietro (D.D.)** "Why can't I use the window if my next neighbor is smoking with open door to the hall, or ask a person not smoke his cigar in elevator, or to put 'Please don't smoke in the elevators'? I hope I have the same rights here. Why do you encourage these complaints rather than friendly stop it?" The answer was memorable: **"We do this because we want to know what is going on here when we are not here."** I said, "You make unfriendly situation for us."
21. **Prejudice.** People don't answered on my 'Hi.' Sometimes, I heard a whisper in the elevator behind my back '**Russian Spy.**' Knowing the roots of prejudice, I was patient: it needs time to see that I am good, kind, and love them all. My name between them was Russian, and Russian Woman. Some people were friendly, one of them showed me how he solved the problem with bad smell, and I made the same: covered all ventilation canals in the apt. by the paper.
22. **Radio.** To our short-wave radio I managed a wire antenna from hall window (east ) to our apt. (west). One woman saw me working, asked me, I explained. Next morning a knock waked us up and door was opened. Four people came in. "Radio," said Roger, maintenance. I explained '**what is going on.**' "We doesn't understand English and desperately need Russian -language information, but radio receives Europe only on the hall window. Roger ask D.D. 'connected the roof?' D.D.: "House is not yours, you can't do nothing without our permission." "Sorry,' we don't know it, but it's so innocent."  
**Antenna was destroyed.**

23. **Acting Out Prejudice.** 1994.- ‘**Private conference**-letter from RHA without explanation, we understood the meaning of the words in positive terms. We didn’t understand speech in English. But an intonation, manner, and voice of **Annette Minichiello**, it was she, and a word ‘**eviction**’, many times repeated from the scene of meeting hall, toward us, staying in the path between left and right rows of chairs, filled by the employees of RHA, made us at once recognize the familiar show used in the dictatorship- regime-country.  
First visit to RHA office caused me an emotional distress and depression.

**1995.**

I became a resident of apt. #209. Three apartments were there, the condition of air was much worse, because of all smells from first floor: **laundry, kitchen, and smoking.** Vents didn’t work, next apt. **211, Donna DeSimone**, was a smoker. The hall window was permanently shut off. The two windows in the library were the only remedy. The library is the mezzanine extended as three apartments and it is a balcony to the comm. room on the 1<sup>st</sup> floor. The entrance to library from the hall, exit to the end of our corridor. Library was a smoking place.

24. **In the beginning of 2000,** I receive the Termination Letter for overcooking.
25. **28 June 2000, Thursday.** I came to RHA main office (my second visit) to ask transfer application form and was treated by: “**We don’t do it,**” –**Charles Lambeses**, and “**I call to police.**”
26. I complain to **City Hall.** RHA director, Mr. **Procopio**, promised Mayor to come to my place with **apology.** He failed his promise, instead he did a retaliatory terror. RHA’s staff harassed me by these phrases:

“**I call to police**”,  
“**Lidiya, you harass staff, I call to police,**”  
“**L., you are out of control, I call to police.**”  
And the staff has been doing these calls.

27. **First visit of police.** Friday, at 1pm., **July 21, 2000.**  
Officer #124, **McCormack** with handcuffs and staff (4 people) came in the comm. room where I was playing piano, being alone. I asked officer why he wants to arrest me. He hesitated, and Peter, maintenance exclaimed, “**Take piano from her!**” Roger and Peter wheeled and locked piano in the other room. The company went away left me sitting on the piano’s chair in front of an empty wall.
28. **I called to Hotline.** The result was: since **Monday, July23,** the **Comm.Room. became unlocked for us.** 8 years I tried to persuade the manager and director that in the other housings the community rooms were for tenants.



29. Piano was staid locked, and I asked D.D. She said, **"It's our property and we can move it any time, any minute."**
30. I **complained to MCAD**. In my complaint I included facts of different services, of depriving me to have what I want to have, and that others received without problems. I mentioned threats, termination attempt, garage space that was passed over my **'first position in the waiting list,'** but the officer of MCAD, **Ms. Packard**, finds the case in favor of RHA. She created a new method for that and prompted it for RHA. This method became a new weapon in the arsenal of RHA against me. See it in the exhibition: **August 29, 2000**
31. **Two retaliation acts** I bring to the **MCAD**, but again the result was the same: **'no probable cause.'** The appeal was the same.
32. **First retaliation: Criminal:**  
A group of people started each evening **since 6pm** gathered to play card. They were smoking with opened doors. There was no ventilation. The corridor was filled with smoke. The smoke bothered me. (On my complaint to D.D. she said, **"We have no smoking policy, I can't forbid people to smoke. Library is smoking place."**)  
  
**October 30, 2000** I came in the library to ask people use the window and keep the door closed. They all met me with hostile, and a **policeman** was at my door. I was reported for being unruly. In the police report **he verified that there was a strong odor of cigarette smoke in the air and he could see the smoke. He also verified that the comm. room on the first floor was also filled with smoke. The police officer stated that this issue should be dealt with by the RHA not the police.**
33. At **2am** (on October 31, 2000) I came in the library again and told the people that I cannot sleep because the smoke was unbearable, and I opened the windows. Again I was reported to the police, for vandalism and destruction of property. About **3am** the policemen knocked to my door and after he talked with the group he knocked to me again. **"L., people have a right to smoke."**
34. I reported the unhealthy smoking conditions in the building to the **Boston Tobacco Control** and **ask them to call to our Board of Health**. The result was a message to me from **Nicholas Catinazzo** and **Anthony D'Agosta** director and code inspector of Revere B.of H. that they had spoke with D.D. the manager, and she assured them that there would be no smoking in the library. Thus, **first time in our building the smoking policy was enforced. No Smoking signs were posted.** (On November 29, 2000 I was sent a letter from BH about this).

35. The same day, **October 31, 2000** eight people (library group) filed **criminal** complaints against me. They alleged that I engaged in **disorderly conduct, disturbed the peace and engaged in civil rights violations.**
36. **On November 3, 2000**, I wrote a letter to **Beverly Alba** of the RHA and complained about the unfair treatment I was receiving and that I believed that Diana DiPietro had encouraged the neighbors to file false criminal complaints against me. I made suggestions as to how to solve the smoking problem in the subject property. **I never receive any response to my letter.**
37. **On November 30, 2000** I had to appear in court to defend myself against the neighbors' false allegations. The cases were dismissed. During the court hearing, on the question of clerk-magistrate "Why you all 8 people wrote identically," **Walter Brown**, (the only male) said, "**We came to Annette (Minichiello) and she said us what to do and what to write.**"
38. At the hearing in Court House the RH's attorney speculated that my filing of a discrimination suit might have something to do with the false claims that were filed against me. **Chief of security department of Court House** had been presented in the hearing room and play active role in favor of the group of 8 people, often interrupting the clerk-magistrate. **Aaron Frankel**, of the Harvard Defenders represented me at this hearing.
39. **Second retaliation. Transfer.** I have been requesting a transfer due to health issues regarding the continued smoke I have been subjected to. I should have been given a priority because of my medical condition however I was not. I have submitted medical documentation for my request. In the beginning of **Jenuary,2001** I wrote the letter to RHA with three attachments (medical letters of my doctor) to speed up my transfer to a vacant apartment. No respond. I called to RHA.
40. **Jessica**, RHA, responded. I ask her why they didn't respond me, she said, "**You complained to MCAD.**"
41. In **February** RHA sent me letter that I **owe two-month rent**. I sent copies Jan. and Febr.checks and ask them to reconsider their decision. No response and I came there. They 'found' my Febr. Check, and I requested to write me a verification that late payment for Febr. is not my fault. While the girl was writing, the director was reported, he came out from his cabinet and staying in front of the girl whispered her, "**Don't write, don't write.**" (I came with a witness.)
42. On March rent I included rent for January, but RHA, by the letter dated **March 1, 2001**, notified me that my name had been **removed from the transfer list.**

I believe that I have been retaliated by the RHA, that RHA have aided and abetted in others filing false criminal complaints against me and that I have been denied a reasonable accommodation to transfer to another apartment in the same building in violation of M.G.L., chapter 151B, Section 4, Paragraph 7A and 4 and 4a.

43. Rear Deck. The petition to director of RHA about to make a rear deck acceptable for us during not only working hours was not accepted, because of me. Director personally said me; "I call the police." And in two days I received his EVICTION letter.
44. Alarm. The ignoring of my argumentative complaints about frequency of false fire alarms, due to lack of ventilation, of a new system that was installed in 2001 in each apartment and about another circumstances related to the alarms, made me cut it. It was again EVICTION. Court dismissed the case, but Annette Minichiello renewed EVICTION again and again.

May 2005.

New manager, Virginia Norris and new neighbor –smoker in the next apt. 207.

All my years as a resident I've been bringing to attention of the Housing Authority several troubling issues:

- 1) Ventilation system that does not working.
- 2) There is no designated area for smokers in our building. Due to these two factors nonsmokers (70%) are at the risk for suffering negative health effects of second hand smoke exposure. Smokers in our building are allowed to smoke in their apartments, but we all are connected through the common air space and absence of ventilations.
- 3) A laundry room is on the first floor, in the center of the main hall, works with stacked open door. It must be relocated. Due the ventilation problem and the high volume-the tenants of 106apartments are using it-the chemical pollution is a common threat to all tenants. Community room, rear deck, the hall and library-all these areas fill of the laundry smell. The 2<sup>nd</sup> floor is the closest target: laundry gas with repulsive odor erupts through the kitchen sinks in the apartments of 2<sup>nd</sup> floor. These are the facts of daily surviving. RHA are indifferent to basic Human needs-air to breathe. I see the sufferings of my neighbors and can't be silent. Revere Board of Health is responsible for enforcement health and safety regulations in the public building. I never got positive answer or actions from them. Animosity and threats were coming from RHA and BH towards me instead.

45. In April 13, 2005, my way of use natural ventilation (window in library) was a cause of freezing Barbara (she occurred that morning in the comm. r. (1<sup>st</sup> floor) to which the library (2<sup>nd</sup> floor) is a balcony, and her hysterical complaint to manager, encouraged the RHA for a new attack to evict me:"



46. In 20<sup>th</sup> April, director of HA said me, "Lidiya, you'll be evicted, people complaint to you." It was said in presence of two neighbors in the lobby. When he saw my attempt to talk with hi, ( I kept in mind to ask him to do a handle to the laundry's door).
47. I left a note to the BH concerning hazardous conditions in our building in 05/09/2005.
48. The blow came as a rushing wind: in 05/11/2005 at 8am I was waked up with manager's angry call, "**Lidiya, you complained to Board of Health, take your furniture from library.**" I came to office there was Luis, coworker, she was a witness of our conversation. Virginia didn't want to talk with me, and I said, "**You disturbed my sleeping, you said 'L, you complained to board of health, take your furniture from library,' so I come to say that it is a retaliation, unlawful act. I will make a picture that furniture is very fit in the poor corner and convenient everybody.**"
49. When the first officer, **McCormack**, #124, came in library and approached me with the handcuffs, I explain him why I am here, and he called to chief.
50. The second officer, **Borgioly**, #107, asked me '**what's going on**'. Slowly he moved toward the window and stopped, seeing out, listening me. During my speech the third officer quietly came in and stopped in the far. "**What a mess you did,**" said #107 and turned to Virginia, now he saw the chief. I was inspiring his opinion and said, "**Thank you for support.**" Virginia was confused, " I wanted ..." and quickly stand up and went.
51. I left alone with three silent officers. I broke the silence, and concluded, "**I am here because I want to safe my human dignity.**" I thought that they follow the arguments and grasp my point of view. But why they hesitated? I added for better understanding that I had long time dispute with RHA about smoking-ventilation problem and that it is not the matter for police, just RHA's bad habit to use the police as a their heavy weapon.
52. Virginia came back with a paper for the officer to read. I asked and he passé it to me It was the fax from Board of Health to Virginia that furniture is from trash and must be immediately discarded from the comm. lounge. It was a lie, but short dispute about the truth was helpless. While I was reading, the maintenances took away two peaces of three pieces set. I said to policemen: "**Please live me at least this one, on which I am sitting now. It will be okay for me, and I go home.**"
53. Oh, no! The peaceful end was not in their mind. They choused to commit a real mess. And the committed a crime. Hate Crime.



54. I started collected my belongings which were on the floor now. Silence, I took my recorder to put inside my bag (the recorder was near me on the chair), suddenly
55. Chief jumped to me and snatched it from my hand. Slowly open it, he take off the cassette and said, **"First we listen to it."** It was his first words. He passed the cassette to #124 who put it in his pant's pocket. The other mess began. No ceremony anymore.
56. #107 officer came to me, put his hand to my left elbow, linked his face to mine and said 'Lidiya' I saw his eyes waiting next words, suddenly he squeezed my elbow, snatched me up from my chair and turning my left hand behind the back squeezed me by face to window glass. I saw as two others busted to help him, McCormack with handcuffs, the chief grasp my chair. Two their bodies pressed me to widow, my right hand was pressed between me and window. Both of them used the painful movements with my wrist, then they dragged me to the armchair, leaned me over, again painful maneuver. 107 stood me up in front of the chair and by his palm knocked me back to chair. I upped, **"How you dare!"** He knocked me again, more precisely. I shocked, saw to others expecting that they stopped him, but I saw another picture. They were watching with pleasure to their faces, and they searched my bag.
57. My nationality, I am Russian, was the reason of their hatred. They simply used the chance to enjoy of mocking at me. The uniforms and the public house were not much obstacles for them. They three looked as not acquitted with rules or laws. Nothing could distract their pleasure of seeing me humbled, crushed. They demonstrated unbounded power, and hatred: **"We can do with you anything we want."** Cuffed and helpless, I four times received knockout in the chest.
58. Stress maid my body dehydrated, my mouth, tongue were dry. They used my condition for torture me: **"No water, Lidiya, no water."** In library we have kitchen stuff and sink. I stood up and met immediately knockout to the chest flinging me back into chair. **"Water! Please!"** I up, and he, #107, knockout me again. I felt close to loose my conscious. No my gender, no my age, 68, no witnesses, I was alone, totally in their power.
59. Two others were searching my bag, smiled, watching biting me, and made comments.
60. They intentionally deprived me the defending material, seizing **camera's film, and record's cassette. Scissors**, seized from my bag, they mentioned in their false report. All these things they put in their pockets with words:

Twice I begged them to stop this mess and don't sent me to mental, I afraid, **"Too late, Lidiya, too late."** They found the medicate and call to ambulance. **"Lidiya, do you sick, do you take any medicine? We send you to psychiatric dep. of hospital."** I mention that this is a **KGB** method he said, **"Exactly, we can do with you anything we want."** **"And what you want?"** **"Send you back to your Russia and you will never come back."** **"I am citizen."**

**61. First time in my life I was arrested. For what?**

Because I am different for them. I came from the country with no laws, and I fully appreciate what U.S. Constitution does for human rights. I'm different because I follow to U.S. laws. **RHA, BH, and Police**, three city's agencies, don't. They violate the basic law of equality rights.

They jointly committed hatred, helping each other. One woman felt freezing, alleged me, and I was threatened by eviction; I visited BH, and I was purposely retaliated; I self-defend my property and dignity, and I was forcibly abused with battery and detained by special method.

62. I was escorted handcuffed by 6 grenadiers (three additional were a team of ambulance). Before to exit from library, I said that without water I don't go. Then only I received water. Crossing the corridor, I saw the light that was coming from the opened door of my apartment, "What is it? Why my apartment opened? Who are there?" I stopped and heard the voice behind me: "They search your medicine in it. " It was a new shock to me; soon the manager and one of med-man appeared from my room.

63. I thought, that Virginia could stop my arrest: she already drowned away my furniture, and was absent in library during the execution, but she continued actively cooperate with the police, and ambulance, and continuing participate in humiliation me. The invasion into my apartment behind me is also unlawful and highly humiliating fact.

**64. Instead of apology for Virginia act, RHA served me by termination letter, May 17, 2005.**

65. It's sounding as a totally extermination of me. Deportation is in mind and all methods will be good, including a violation of the basic laws. My legitimate question about ventilation and smoking met by hatred. I use to open window as any other residents do, but only I forbidden to do it. It always used against me, I violated people right, threaten people health and so on. This custom, policy and habits were created in 1993 by RHA when I, first Russian here, said to smoker-manager that second-hand smoking is worldly recognized dangerous for health.

66. I was rejected from library, 6 grenadiers in uniforms pushed me, handcuffed into ambulance car, forth policeman joined to the company of three. All of them were laughing.

67. In the Melrose hospital, I was told that I am under section 12. **"You never come back to live in this apartment,"** was the last words of #107, I was in fear.
68. **17 May I was sent RHA termination lease letter.**
69. **DHCD never responded to my letters, phone calls, messages.**
70. **Police Department has never responded to my Internal Affair Complaint.**
71. **BH had never has respond to my complaints and to requests of inspect ventilation condition.**
72. **My report to Mayor of Revere, 10<sup>th</sup> June, 2005, was about that all of the above happened just because: RHA, Police and Board of health were acting in one accord and unity to silence the truth, spoken many times. Mayor responded twice that he did not find any reasons for disciplinary acts.**
73. **From police I did not receive my seized things.**

### **Causes of Action**

1. **The actions of the Revere Police Department**  
Unlawful arrest and detention were in violation of the Plaintiff's rights under the Fourth, Eighth and Fourteen Amendments to the U.S. Constitution, Articles 12 and 14 of the Massachusetts Declaration of Rights, 42 U.S.C. paragraph 1983.
2. The action of the RHA were in violation of Federal and MGL c. 186 paragraph 18 and discriminatory in violation of MGL c.151B Intentional Infliction of Emotional Distress.
2. DHCD and City of Revere established policy or custom caused constitutional injury to Plaintiff. So, I am seeking to impose liability on a DHCD and City of REVERE (including Board of Health) under paragraph1983 of 42 U.S.C.A.
3. Also, under Massachusetts choice-of-law rules, court must apply law of state with most significant relationship with suit.

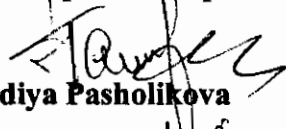
**Relief Requested**

**Actual damages for pain and sufferings and emotional distress.  
Punitive damages.**

**Demand for Jury Trial.**

**Wherefore, plaintiff prays for judgment against defendants and  
because the Plaintiff is involved in research that involves all calibers of monetary  
encompassment I request damages in the amount of \$ 2, 000,000.**

**Signed under pains and penalties of perjury,**

  
**Lidiya Pasholikova**

50 Walnut Ave. #209  
Revere, MA 02151

Telephone # 781-289-6249

Date: May 11, 2007